REMARKS

Claims 1-57 are pending in the Application.

Claims 1-45 stand rejected.

Claims 46-57 have been withdrawn from consideration in view of the election in response to the restriction requirement filed June 9, 2003.

Claims 1 and 24 are currently amended.

No claims have been cancelled.

I. ELECTION/RESTRICTIONS

The Examiner has noted that Applicants' election without traverse of Group I in Paper No. 6 (June 12, 2003) is acknowledged. The Examiner has also noted that claims 1-45 have been elected and that claims 46-57 have been withdrawn. *See* Office Action page 2, paragraph 1. Applicants respectfully suggest that Applicants elected the Group I claims without prejudice per 37 C.F.R. § 1.142(b) as noted in the Reply Under 37 C.F.R. § 1.111 filed June 9, 2003.

II. OBJECTIONS TO THE DRAWINGS

The drawings have been objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 100, 110, 130, 150, 160, and 170 (see Figure 2). The Examiner has noted that a proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description are required in reply to the Office Action to avoid abandonment of the Application. The Examiner has also noted that the objection to the drawings will not be held in abeyance. *See* Office Action, page 2, paragraph 2.

Applicants respectfully suggest that the objection to the drawings has been rendered moot by Applicants' amendment to the specification by amending the paragraph beginning on page 6, line 3, and ending on page 7, line 4, as well as amending the paragraph beginning on page 8, line 1, and ending on page 8, line 17, to include the cited reference sign(s).

III. OBJECTIONS TO THE SPECIFICATION

The Examiner has noted that the disclosure is objected to because of the following informalities: page 15, line 19, "524" should be replaced with --424-- and that appropriate correction is required. *See* Office Action, page 2, paragraph 3.

Applicants respectfully suggest that the objection to the specification has been rendered moot due to Applicants' amending the specification by amending the paragraph on page 15, line 18, and ending on page 16, line 7, to replace the phrase "block 524" with the phrase --block 424-- at page 15, line 19.

IV. REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-45 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the 35 U.S.C. § 112 rejections as such rejections pertain to the cited claims. Reconsideration and withdrawal of the rejections are respectfully requested in view of the Amendments to the Claims and the following remarks.

More specifically, the Examiner has asserted that the recitation of "the sales transaction" (phrase is actually "the sales transactions") in line 1 of claims 1 and 24 does not have sufficient antecedent basis. The Examiner has recommended replacing the phrase "the sales transaction" with --sale transactions--.

Applicants respectfully suggest that the rejection of claims 1 and 24 has been rendered moot by Applicants' amendment of claims 1 and 24 by deleting the phrase "the" from the phrase "the sales transactions" (currently amended claims 1 and 24).

V. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-5, 8-12, 24-28, and 31-34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Bigari ("*Bigari*") (U.S. Patent No. 5,010,485). Applicants respectfully traverse the 35 U.S.C. § 102(b) rejections as such rejections pertain to the cited claims. Reconsideration and withdrawal of the rejections are respectfully requested in view of the Amendments to the Claims and the following remarks.

Bigari discloses a system for implementing credit purchases that is provided between a customer, a host institution, and a merchant member affiliated with the host institution. Integral to the *Bigari* system is a payment voucher apparatus located remotely from the point of purchase station (typically a cash register). The *Bigari* payment voucher apparatus is adapted for use in conjunction with a family of charge cards wherein customers who have a respective member of said family of charge cards can execute transactions in order to obtain a guaranteed voucher for a selected ceiling amount for use in purchasing goods or services from the merchant. *See Bigari*, column 3, lines 33-52.

Applicants respectfully suggest that a critical feature of the *Bigari* system is the *Bigari* voucher. For example, the *Bigari* data processor is operative in response to transaction data entered by the manual entry means to interrogate the host institution by way of the data transmitter/receiver in order to obtain the approval/disapproval status signal for the proposed charge. Further, the data processor is operative in response to an approval signal to produce a print signal. Means, such as a printer, is provided to produce a voucher for a maximum approved charge corresponding to the proposed charge in response to a print signal; this voucher is indexed with both transaction identification data and maximum approved charge data entered thereon by the printer. See *Bigari*, column 4, lines 7-18.

In *Bigari*, the customer endorses the voucher, still at the location remote from the point of purchase station. The voucher thus becomes valid for the maximum amount of the proposed charge. The *Bigari* card holder only then approaches the point of purchase station and places his/her order for goods or services and the actual transaction is totaled. The attendant of the point of purchase station updates the voucher for an actual charge amount less than or equal to the maximum purchase amount approved by the host institution. See *Bigari*, column 4, lines 19-28. *Bigari* further discloses that a step in the *Bigari* process is automatically producing a voucher at the payment voucher producing apparatus in response to receipt of the approval signal and storing the proposed charge transaction in memory of the data processor. See *Bigari*, column 5, lines 5-9.

Applicants also respectfully suggest that *Bigari* Figure 1 discloses the *Bigari* payment voucher processing apparatus. *See Bigari*, column 6, line 25 – column 7, line 8. *Bigari* further discloses that if the purchase amount exceeds the maximum charge amount, a

new purchase amount must be initiated until such time that the purchase amount is less than or equal to the maximum charge amount. When this occurs, the purchase is executed and the voucher is updated to reflect the actual purchase amount and the purchase is finalized. *See Bigari*, column 8, lines 29-52. *Bigari* also discloses in Figures 5-8 an enhanced payment voucher processing apparatus and system wherein the point of purchase register is integrated with payment voucher processing apparatus. *See Bigari*, column 9, lines 55-58.

Applicants respectfully suggest that the requirement of the *Bigari* voucher and voucher processing apparatus does not anticipate, disclose, or suggest Applicants' claimed invention comprising transmitting the preapproval amount to an external card services system for approval and storing the approval amount in a preapproval cache at a point of sales terminal for use in completing the sales transaction. *See* Applicants' currently amended claims 1 and 24 and the claims depending therefrom. Applicants respectfully suggest that Applicants' claimed invention distinguishes over the *Bigari* voucher that must be obtained and then must be updated at the point of sale. Due to the requirement of the *Bigari* voucher and voucher processing apparatus, Applicants respectfully suggest that *Bigari* does not anticipate, disclose, or suggest storing the approval amount in a preapproval cache at a point of sales terminal for use in completing the sales transaction (Applicants' currently amended claim 1) or transmitting the preapproval amount from the customer checkout accelerator to a store controller (Applicants' original claim 2).

Regarding claim 1, the Examiner has indicated that Applicants' storing the approval amount in a preapproval cache at a point of sales terminal for use in completing the sales transaction is anticipated because it is inherent that the information is stored in cache and the Examiner has also indicated *Bigari* communications line 33. Applicants respectfully traverse the Examiner's statements. Applicants respectfully suggest that *Bigari* does not anticipate or disclose storing the approval amount in a preapproval cache at a point of sales terminal because the approval amount is disclosed on the Bigari voucher. Further, communications line 33 links a point of purchase station 31, that may include a cash register processor 32, to microprocessor 12. Cash register processor 32 is linked to a voucher reader 34 which can scan a voucher printed by voucher printer 30 to derive account identification

data and maximum charge data from the voucher. Voucher reader 34 provides input to cash register processor 32 of this data. *See Bigari*, column 9, lines 55-68.

The Examiner has indicated that Applicants' claim 2 comprising transmitting the preapproval amount from the customer checkout accelerator to a store controller is anticipated by the *Bigari* transmitter/receiver 16. *See* Office Action, page 4, lines 3-4. Applicants respectfully traverse the Examiner's statement because the *Bigari* transmitter/receiver 16 is for transmitting to the host institution, not a store controller. Applicants respectfully suggest that the *Bigari* microprocessor 12 may be placed in communication with a host institution 14 by means of a transmitting means and a receiving means such as a telephone transmitter/receiver 16. Microprocessor 12 instructs an autodialer 18 to activate telephone 16 so as to open communication line 20 to host institution 14. See *Bigari*, column 6, lines 25-33.

The Examiner has indicated that Applicants' claim 3 comprising placing an entry in a preapproval database if the external card services system approves the transaction amount is anticipated and the Examiner has noted *Bigari* feature 26. *See* Office Action, page 4, lines 4-5. Applicants respectfully traverse the Examiner's statements because the *Bigari* feature 26 is the memory feature of *Bigari* microprocessor 12 that stores the maximum charge amount and commands voucher printer 30 to generate the voucher according to the approved transaction with voucher printer 30 preferably producing duplicate printed credit receipts A and B. The customer may sign receipts A and B and, when this occurs, the voucher becomes valid for a purchase amount up to the maximum charge amount which is shown thereon. *Bigari* prefers that both receipts A and B which comprise the voucher include both account identification data as well as the maximum charge amount permitted. In addition to generating the receipts A and B, microprocessor 12 terminates the transaction and increments for a new transaction and executes a stop. The customer who has received receipts A and B then proceeds to a point of purchase station. *See Bigari*, column 8, lines 6-28.

The Examiner has also indicated that Applicants' claim 4 comprising notifying a point of sales terminal of the approval amount is anticipated by the *Bigari* communication line 33 or voucher reader 34. *See* Office Action, page 4, lines 6-7. Applicants respectfully

traverse the Examiner's statements because the *Bigari* voucher reader 34 is used to scan a voucher printed by voucher printer 30 to derive account identification data and maximum charge data from the voucher. Voucher reader 34 provides input to cash register processor 32 of this data. *Bigari* notes that it should be appreciated that the voucher reader 34 can be any suitable scan device, including optical scanning, magnetic scanning or others as are known in the art, to receive the voucher produced. *See Bigari*, column 9, line 55 – column 10, line 10. Applicants respectfully suggest that Applicants' claimed invention distinguishes over the extensive disclosure of the voucher and voucher processing system disclosed in *Bigari*.

Due to the *Bigari* emphasis of a voucher and voucher processing apparatus, Applicants respectfully suggest that there is no disclosure or suggestion of a method comprising scanning the customer payment card at a point of sales terminal. *See* Applicants' claim 9. Applicants respectfully suggest that *Bigari* emphasizes the use of a payment card to obtain a voucher at a point remote from the point of sales terminal wherein the voucher must then be presented at the point of sales terminal where the actual purchase is made wherein an updated receipt may be obtained. Thus, *Bigari* emphasizes the use of an additional item (the voucher) in addition to a payment card that Applicants respectfully suggest teaches away from Applicants' claimed invention.

The Examiner has indicated that Applicants' claim 9 comprising scanning the customer payment card at a point of sales terminal; determining if there is an entry for the customer in the preapproval cache; and resuming the sales transaction at the point of sale terminal is anticipated by the *Bigari* card reader 24 or voucher reader 34. *See* Office Action, page 4, lines 10-13. Applicants respectfully traverse the Examiner's statements. *Bigari* emphasizes that the voucher is presented at the point of sales terminal and then the customer receives the updated receipt B while the merchant retains updated receipt A. *See Bigari*, column 8, lines 29-52. Applicants respectfully suggest that Applicants' presenting of a payment card at a point of sales terminal further distinguishes over *Bigari*. In addition, there is no determining in *Bigari* of an entry for the customer in the preapproval cache, because the preapproval in the *Bigari* process is noted on the *Bigari* voucher. Thus, when the

voucher is presented in the *Bigari* process, there is no determining of an entry for the customer in the preapproval cache.

The Examiner has indicated that Applicants' claim 10 comprising comparing the actual sales transaction amount with the preapproval amount (Examiner has indicated *Bigari* column 8, lines 38-42); updating a preapproval database with the actual sales transaction amount (Examiner has indicated *Bigari* column 8, lines 64-66, at step 130); and releasing the difference between the preapproval amount and the actual sales transaction amount in the preapproval database (Examiner has indicated *Bigari* column 9, lines 36-40) are anticipated by *Bigari* at the cites indicated in parentheses. *See* Office Action, page 4, lines 13-17. Applicants respectfully traverse the Examiner's statements. Applicants respectfully suggest that *Bigari* compares the maximum charge amount with the purchase amount. If the purchase amount exceeds the maximum charge amount, a new purchase amount must be initiated until such time that the purchase amount is less than or equal to the maximum charge amount. When this occurs, the purchase is executed and the voucher is updated to reflect the actual purchase amount and the purchase is finalized. The customer then receives the updated receipt B while the merchant retains updated receipt A. *See Bigari*, column 8, lines 42-52.

Bigari further discloses in FIG. 6, which is similar to FIG. 3, that in the event that the purchase amount is greater than the maximum charge amount, the customer must re-initiate a purchase for a lesser amount than is shown by loop 208. If the purchase amount is less than or equal to the maximum charge amount, the voucher is updated by register printer 38 to index the voucher with the actual purchase amount. The purchase is finalized. The merchant retains receipt A and the customer is given receipt B. *See Bigari*, column 10, lines 23-33. Applicants respectfully suggest that Bigari does not anticipate, disclose, or suggest Applicants' updating a preapproval database with the actual sales transaction amount. Applicants respectfully suggest that the *Bigari* cite indicated by the Examiner, *Bigari* column 8, lines 64-66, at step 130), is for updating the actual purchase transactions, from the updated Bigari vouchers as represented by the updated amounts on the retained receipt A, with the host institution. *See Bigari*, column 8, line 53 – column 9, line 6.

The Examiner has indicated that Applicants' claim 11 comprising printing a sales transaction receipt and a credit or debit voucher is anticipated by Bigari column 8, lines 49-52. *See* Office Action, page 4, lines 17-18. Applicants respectfully traverse the Examiner's statements. Applicants respectfully suggest that the *Bigari* updating of the receipts A and B does not anticipate, disclose, or suggest the printing of Applicants' sales transaction receipt. The *Bigari* updating of the receipts is due to the initial *Bigari* voucher.

The Examiner has indicated that Applicants' claim 12 comprising if there is no entry for the customer in the preapproval cache, retrieving the preapproval amount from a preapproval database on a store controller file server is anticipated by *Bigari* 26. *See* Office Action, page 4, lines 18-20. Applicants respectfully traverse the Examiner's statements. As described hereinabove with regards to Applicants' claim 3, the *Bigari* feature 26 is the memory feature of *Bigari* microprocessor 12 that stores the maximum charge amount and commands voucher printer 30 to generate the voucher according to the approved transaction with voucher printer 30 preferably producing duplicate printed credit receipts A and B. The customer may sign receipts A and B and, when this occurs, the voucher becomes valid for a purchase amount up to the maximum charge amount which is shown thereon. *See Bigari*, column 8, lines 6-28. Applicants respectfully suggest that Bigari does not anticipate, disclose, or suggest Applicants' retrieving the preapproval amount from a preapproval database on a store controller file server.

The Examiner has indicated that in regards to Applicants' independent claim 24, *Bigari* discloses a computer readable medium containing a computer program product for accelerating sales transactions of customers in a retail store that is programmed to complete the steps of claim 1 as described in the Office Action. The Examiner has further stated that *Bigari* discloses the limitations of Applicants' claims 24-28 and 31-34 as described in the Office Action for Applicants' claims 1-5 and 9-12. *See* Office Action, paragraph bridging pages 4 and 5. Applicants respectfully traverse the Examiner's statements. Applicants have addressed the deficiencies of *Bigari* hereinabove and such discussion is incorporated herein at this point by reference. Applicants respectfully suggest that any computer readable medium would have the same deficiencies as recited hereinabove with regards to *Bigari*.

VI. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER *BIGARI* IN VIEW OF *OFFICIAL NOTICE*

Claims 6, 7, 29, and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bigari* in view of *Official Notice*. Applicants respectfully traverse the 35 U.S.C. § 103(a) rejections as such rejections pertain to the cited claims. Reconsideration and withdrawal of the rejections are respectfully requested in view of the Amendments to the Claims and the following remarks.

In order to establish a *prima facie* case of obviousness, it is necessary for the Examiner to present <u>evidence</u>, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge that one having ordinary skill in the art <u>would have been led</u> to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300, 1301 (Bd. Pat. App. & Int. 1993); *Ashland Oil, Inc. v. Delta Resins and Refractories, Inc.*, 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985). The legal conclusion of obviousness <u>must be supported by facts</u>. See *Graham v. John Deere & Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). Where the legal conclusion is not supported by facts, it cannot stand. *Id.* A rejection based on § 103 clearly must rest on a factual basis, and these facts must be interpreted without <u>hindsight</u> reconstruction of the invention from the prior art. The patentability of an invention is not to be viewed with hindsight or "viewed after the event." *Goodyear Company v. Ray-O-Vac Company*, 321 U.S. 275, 279, 64 S.Ct. 593, 88 L.Ed. 721 (1944). The proper inquiry is whether bringing them together was obvious and not, whether one of ordinary skill, having the invention before him, would find it obvious through hindsight to construct the invention. Accordingly, an Examiner cannot establish obviousness by locating references which describe various aspects of the patent Applicants' invention without also providing <u>objective</u> evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done. An Examiner's unsupported opinion is not objective evidence.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or

to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure. *See* MPEP § 2143. *See also In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991).

The Examiner has noted that in regard to Applicants' claims 6, 7, 29, and 30, that *Bigari* fails to explicitly disclose alternative methods of establishing a preapproval amount. The Examiner has taken Official Notice that it is old and well-known at the time the invention was made to utilize historical data, including specific customer information or storewide information, to determine preapproval amounts. The Examiner has further stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Bigari* with the alternative steps of determining preapproval amounts as is well known in the art, because using historical data provides an accurate estimate of the required preapproval amount, wherein reducing the chance of requesting time-consuming reauthorizations. *See* Office Action, page 5, paragraphs 8 and 9.

Applicants have previously addressed *Bigari* hereinabove and such discussion is incorporated herein at this point by reference. Applicants respectfully suggest that *Bigari* requires that in the event that the purchase amount is greater than the maximum charge amount, the customer must re-initiate a purchase for a lesser amount than is shown as noted in *Bigari* loop 208. If the *Bigari* purchase amount is less than or equal to the maximum charge amount, the voucher is updated by register printer 38 to index the voucher with the actual purchase amount. The purchase is finalized. The merchant retains receipt A and the customer is given receipt B. See *Bigari*, column 10, lines 20-40. Applicants also respectfully suggest that the process of re-initiating a purchase for a lesser amount is also indicated in *Bigari* Figures 3 and 6, where it is noted that once a purchase is initiated, if the purchase amount is greater than the maximum charge amount, the *Bigari* process loops back and the purchase must be re-initiated (*Bigari* Figure 3, features 102 and 104, and *Bigari* Figure 6, features 204, 206, and 208). Applicants respectfully suggest that the *Bigari* requirement of looping back to re-initiate the purchase whenever the purchase amount is

greater than the maximum charge amount teaches away from Applicants' claimed invention comprising dynamically requesting an additional amount for approval during the sales transaction, if the subtotal amount exceeds the preapproval amount. *See* Applicants' claims 13, 35 and the claims depending therefrom.

Applicants respectfully suggest that even if *Bigari* was modified to utilize various methods of establishing a preapproval amount, such modification of *Bigari* would only result in a *Bigari* voucher containing a preapproval amount provided by methods other than the use of the *Bigari* charge card reader. Applicants respectfully suggest that such modification of *Bigari* does not anticipate, disclose, or suggest various features of Applicants' claimed invention, such as storing the approval amount in a preapproval cache at a point of sales terminal for use in completing the sales transaction, transmitting the preapproval amount from the customer checkout accelerator to a store controller, and further comprising placing an entry in a preapproval database if the external card services system approves the transaction amount. *See* Applicants' claims 1, 2, 3 and the claims depending therefrom.

The Examiner has indicated that using historical data provides an accurate estimate of the required preapproval amount wherein reducing the chance of requesting time-consuming reauthorizations. *See* Office Action, page 5, paragraph 9. Applicants respectfully suggest that the *Bigari* loopback feature that is followed any time the purchase amount is higher than the *Bigari* maximum charge amount requires a re-initiation of the purchase. Such loopback is required because the *Bigari* reference does not anticipate, disclose, or suggest any sort of reauthorization. Thus, *Bigari* actually teaches away from reauthorization and prevents the modification of *Bigari* to include reauthorizations.

VII. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER *BIGARI* IN VIEW OF *FOLADARE*

Claims 13, 14, 35, and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bigari* ("*Bigari*") (U.S. Patent No. 5,010,485) in view of Foladare et al. ("*Foladare*") (U.S. Patent No. 5,914,472). Applicants respectfully traverse the 35 U.S.C. § 103(a) rejections as such rejections pertain to the cited claims. Reconsideration and

withdrawal of the rejections are respectfully requested in view of the amendments to the claims and the following remarks.

The Examiner has noted that in regards to claims 13, 14, 35, and 36, *Bigari* fails to explicitly disclose requesting reauthorization when the preapproval amount is less than the total desired transaction amount. *See* Office Action, page 6, lines 1-2. The Examiner has further noted that *Foladare* teaches the use of requesting reauthorization when the preapproval amount is less than the total desired transaction amount. The Examiner has indicated *Foladare* column 3, lines 7-12, wherein the card holder authorizes an approval amount beyond the original preapproval amount. *See* Office Action, page 6, lines 3-5. The Examiner has also indicated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Bigari* with the act of reauthorizing the approval amount of *Foladare* because additional funds may be available to cover the desired purchase, wherein allowing the customer to complete a desired transaction when the total transaction amount is greater than the original preapproval amount. *See* Office Action, page 6, lines 6-10.

Applicants have previously addressed *Bigari* and the requirements needed to establish a *prima facie* case of obviousness hereinabove and such discussion is incorporated herein at this point by reference.

Applicants respectfully suggest that *Foladare* discloses a system and method for allowing a parent to control the use of an ancillary credit or debit transaction card which is issued to a child. *Foladare* utilizes a central computer that communicates with an issuer computer having a database containing account information and spending limits for the transaction card and the parent can set a spending limit for the ancillary card given to the child. If the credit limit of the ancillary cardholder has been exceeded according to the *Foladare* database, a method of contacting the parent is transmitted to the central computer that initiates contact with the parent, via two-way communications, and queries the parent whether to authorize the transaction by increasing the spending limit of the ancillary cardholder or refusal of the transaction. *See Foladare* Abstract and column 2, line 33-column 3, line 22.

Foladare discloses that if the ancillary card transaction amount exceeds the predetermined account holder spending limit, the central computer retrieves from the database a phone number, pager number or other personal communications number for the account holder wherein the central computer initiates contact with the account holder. When contact with the account holder is established, the central computer requests approval/refusal from the account holder for the requested transaction. If the account holder approves the increased transaction amount, the remote transaction service provider central computer transmits an approval code for the transaction to the merchant. If the account holder does not approve the transaction, the remote transaction service provider central computer will transmit a refusal code to the merchant denying completion of the transaction. *See Foladare,* column 4, lines 35-57. *Foladare* also discloses various networks that can be used to acquire the approval or disapproval from the accountholder.

Applicants respectfully suggest that *Foladare* discloses that the request for reauthorization is from an account holder, such as a parent, and generally not a host institution. Applicants respectfully suggest that *Foladare* does not anticipate, disclose, or suggest Applicants' dynamically requesting an additional amount for approval during the sales transaction, if the subtotal amount exceeds the preapproval amount. *See* Applicants' claims 13, 14, 35, and 36. Applicants respectfully suggest that there is no motivation or suggestion to combine *Bigari*, that utilizes a voucher and voucher producing system and apparatus that indicates a maximum charge amount wherein if the purchase amount is higher than the maximum charge amount, the *Bigari* purchase must be reinitiated until a purchase is made that is less than the maximum charge amount, with *Foladare,* that obtains reauthorization from an account holder, to arrive at Applicants' claimed invention. Applicants respectfully suggest that if *Bigari* was modified to include a process of requesting reauthorization, *Bigari* would require that one would have to go back to the voucher printing system and obtain a new voucher for a reauthorized higher maximum charge amount and then proceed to reinitiate a purchase that would be less than the new reauthorized maximum charge amount. Applicants also respectfully suggest that there is no reasonable expectation of success of modifying *Bigari* with *Foladare* to arrive at Applicant's claimed invention.

Further, *Foladare* emphasizes the obtaining of the reauthorization from an account holder, such as a parent, that is generally not the host institution. Thus, a modification of *Bigari* in view of *Foladare* would result in the customer utilizing the *Bigari* process to obtain a new voucher with a higher reauthorized maximum charge amount with the reauthorization being obtained from an account holder and not a host institution. Thus, there is no motivation or suggestion to modify *Bigari*, that does not utilize reauthorizations due to the *Bigari* voucher system that would require one to have to go back and obtain a new voucher with a new reauthorized higher maximum charge amount, with *Foladare*, that obtains reauthorization from an account holder, such as a parent, to authorize a higher amount greater than the original preapproval amount of a card held by a *Foladare* ancillary cardholder, to arrive at Applicants' claimed invention.

VIII. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER *BIGARI* IN VIEW OF *TROTTA, JR.*

Claims 15-23 and 37-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bigari ("*Bigari*") (U.S. Patent No. 5,010,485) in view of Trotta, Jr. ("*Trotta*") (U.S. Patent No. 5,595,264). Applicants respectfully traverse the 35 U.S.C. § 103(a) rejections as such rejections pertain to the cited claims. Reconsideration and withdrawal of the rejections are respectfully requested in view of the amendments to the claims and the following remarks.

The Examiner has noted that *Bigari* fails to disclose displaying a selection of promotional merchandise that can be added to the sales transactions and updating a vendor-based tracking database to bill the vendor, wherein a selection of additional categories of items is displayed based on customer preferences. *See* Office Action, page 6, paragraph 11. The Examiner has indicated that *Trotta* teaches the use of displaying a selection of promotional merchandise that can be added to the sales transactions (Examiner has indicated *Trotta* column 7, lines 9-20) and updating a vendor-based tracking database to bill the vendor (Examiner has indicated *Trotta* column 7, lines 5-9), wherein a selection of additional categories of items is displayed based on customer preferences (Examiner has

indicated *Trotta* column 7, lines 3-5, "spending habits"). Applicants respectfully traverse the Examiner's statements.

Applicants have previously addressed *Bigari* and the requirements needed to establish a *prima facie* case of obviousness hereinabove and such discussion is incorporated herein at this point by reference.

Trotta discloses a method for automated shopping using a portable bar code scanner. The *Trotta* method includes the steps of accepting an authorized payment, releasing a portable bar code scanner, displaying a plurality of items for purchase, selecting an item to be purchased, scanning the bar code indicia related to the selected item, and debiting the payment medium for the purchase price of the selected item. *See Trotta*, column 2, lines 43-51. *Trotta* further discloses that by utilizing a portable scanner and in-store computer such that the point of sale occurs simultaneously with the point of selection of each item, lengthy check-out lines and labor costs are avoided in the preferred embodiments of the *Trotta* invention. *See Trotta*, column 3, lines 16-20.

Applicants respectfully suggest that the Examiner is erroneously attempting to remedy the deficiencies of *Bigari* with *Trotta* using improper hindsight. Applicants respectfully suggest that there is no motivation or suggestion to modify *Bigari*, that emphasizes the use of a voucher and voucher-processing apparatus and system, with *Trotta*, that utilizes a portable bar code scanner for scanning bar code indicia information of items selected to be purchased, to arrive at Applicants' claimed invention. Applicants respectfully suggest that there is no motivation or suggestion to modify the specific *Bigari* process to display a selection of promotional merchandise. Applicants respectfully suggest that the *Bigari* emphasis of a voucher that discloses a maximum charge amount wherein the *Bigari* purchase amount needs to be less than the *Bigari* maximum charge amount to prevent the re-initiating of the purchase prevents the *Bigari* process from being modified to include additional sales transactions that are added in from selecting from a display of promotional merchandise. Applicants respectfully suggest that if the additional sales transactions resulted in the *Bigari* purchase amount exceeding the *Bigari* maximum charge amount, *Bigari* would require that the purchase be re-initiated as described hereinabove. Applicants

respectfully suggest that there is no reasonable expectation of success of combining *Bigari* with *Trotta* to arrive at Applicants' claimed invention.

IX. CONCLUSION

As a result of the foregoing, Applicants respectfully request that the amendments to the specification and claims be entered. Applicants further respectfully request that this application be re-examined in light of the above amendments and remarks. Applicants further respectfully request that the objections to the drawings and specification be withdrawn and that the rejections under 35 U.S.C. §§ 112, 102, and 103 be withdrawn and that the claims remaining in the application be allowed.

Since new claims have not been added, no additional filing fees are believed to be due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to deposit account number 50-0563 (referencing number RAL9-2000-0034US1).

Applicants respectfully assert that the claims remaining in the application are in condition for allowance.

Respectfully submitted,

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